

8/29/2022 1:47 PM
22CV29334

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MARILYN HARTMANN, an individual,)	Case No.
)	
Plaintiff,)	COMPLAINT (Personal Injury -
)	Negligence)
v.)	
)	Prayer: \$330,000.00
)	Fee Authority: ORS 21.160(c)
)	
WALMART, INC., a Delaware)	NOT SUBJECT TO MANDATORY
corporation,)	ARBITRATION
)	
Defendant.)	DEMAND FOR JURY TRIAL

Plaintiff, Marilyn Hartmann ("Plaintiff"), alleges as follows:

1.

At all material times, Plaintiff was an Oregon resident. At all material times, Defendant Walmart, Inc. ("Walmart") was and is a Delaware corporation engaged in the retail sale of a variety of merchandise and goods that operated a commercial store open to the public and located at 1123 N Hayden Meadows Drive in Portland, Oregon. Walmart conducts regular, sustained business activity in Multnomah County.

2.

On May 23, 2021, Plaintiff was a customer of Walmart at its store located at 1123 N Hayden Meadows Drive in Portland, Oregon. She was an invitee.

3.

As Plaintiff was shopping in the fabric section of the store, an employee of Walmart

1 who was in the course and scope of her employment was pushing a large industrial cart made
2 of metal that was stacked approximately six feet high with boxes of merchandise. The
3 employee approached Plaintiff from behind pushing the cart although she could not see over
4 the merchandise, and forcefully pushed the cart into Plaintiff's left heel.

5
6 4.

7 Walmart is vicariously liable for the actions of its employee.

8 5.

9 The May 23, 2021 collision caused personal injuries to Plaintiff, as described in
10 paragraph 8 below.

11 For her CLAIM FOR RELIEF against Defendant, Plaintiff alleges as follows:

12 **NEGLIGENCE**

13 6.

14 Plaintiff re-alleges and incorporates by reference paragraphs 1–5 as if fully set forth
15 herein.

16 7.

17 The collision and Plaintiff's resultant injuries were caused by the Walmart
18 employee's negligence, and thus Walmart's vicarious negligence, in the following
19 particulars:
20

- 21 a) In loading the large industrial metal cart too high with merchandise thus
22 obstructing the line of sight of the employee pushing it;
23 b) In pushing the large industrial metal cart through an area where customers
24 were present when the cart was loaded too high with merchandise for the
25 employee pushing it to see customers;
26

- 1 c) In failing to keep a proper lookout for Plaintiff while pushing the large
2 industrial metal cart;
3 d) In failing to maintain proper control of the large industrial metal cart
4 loaded too high with merchandise;
5 e) In pushing the large industrial metal cart into Plaintiff's left heel; and
6 f) In failing to pay proper attention to the surroundings when pushing the
7 large industrial metal cart loaded too high with merchandise.
8

9 8.

10 As a result of Defendant's negligence, Plaintiff suffered injuries to her left heel,
11 ankle, foot, Achilles tendon, and a longitudinal split tear of the peroneal brevis. As a result of
12 these injuries, Plaintiff sustained permanent impairment.
13

14 9.

15 As a result of her personal injuries, Plaintiff has incurred approximately \$30,000 in
16 past medical expenses, the exact amount to be proven at trial. Plaintiff reserves the right to
17 amend her complaint before trial to conform to her current medical bills and treatment costs.
18

19 10.

20 The injuries Plaintiff sustained have been painful. They have interfered and will
21 continue to interfere with her normal and usual activities. Her injuries have also caused and
22 will continue to cause her loss of enjoyment of life. Plaintiff therefore seeks noneconomic
23 damages in an amount a jury decides is fair, but not to exceed \$250,000.
24

25 11.

26 As a result of her personal injuries, Plaintiff will also incur future medical expenses
of approximately \$50,000, the exact amount to be proven at trial. Plaintiff reserves the right

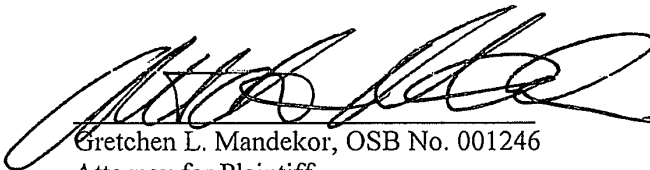
1 to amend her complaint before trial to conform to the evidence.

2 12.

3 WHEREFORE, Plaintiff prays for a judgment in her favor and against Walmart for
4 \$30,000 in past medical expenses (the exact amount to be proven at trial), future medical
5 expenses of \$50,000 (the exact amount to be proven at trial), noneconomic damages of
6 \$250,000 and for her costs and disbursements incurred herein.

7 DATED this 29th day of August, 2022.

8 ROSENBAUM LAW GROUP, PC

9
10 
11 Gretchen L. Mandekor, OSB No. 001246
12 Attorney for Plaintiff
13
14
15
16
17
18
19
20
21
22
23
24
25
26